

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,	: Case No.: 3:23MJ45PBS
	:
Plaintiff,	: MOTION OF THE UNITED STATES FOR
	: PRETRIAL DETENTION
vs.	:
	:
ANTHONY HEAD,	:
	:
Defendant.	:

Pursuant to the Bail Reform Act, see 18 U.S.C. § 3142 *et seq.*, the United States moves for the pretrial detention of the defendant because no condition or combination of conditions will reasonably assure his or her appearance and/or the safety of any person or the community. Specifically:

A. REBUTTABLE PRESUMPTION OF DETENTION

In this case, the Bail Reform Act creates a rebuttable presumption that the defendant should be detained because there is probable cause to believe that he or she committed:

- a drug offense with a maximum term of imprisonment of ten years or more under the Controlled Substances Act, see 21 U.S.C. 801 *et seq.*, or the Controlled Substances Import and Export Act, see 21 U.S.C. 951 *et seq.* See 18 U.S.C. 3142(e)(3)(A).

B. HEARING REQUIRED

The Bail Reform Act requires the Court to hold a hearing to determine whether to release or to detain the defendant because the United States requests such a proceeding and the case concerns:

- a drug offense with a maximum term of imprisonment of ten years or more under the Controlled Substances Act, see 21 U.S.C. 801 *et seq.*, or the Controlled Substances Import and Export Act, see 21 U.S.C. 951 *et seq.* See 18 U.S.C. §§ 3142(f)(1)(C).
- a serious risk that the defendant will flee. See 18 U.S.C. §§ 3142(f)(2)(A).

C. TIMING OF HEARING

The United States requests that the Court set the detention hearing in three (3) business days (i.e., excluding any intermediate Saturday, Sunday, or legal holiday) and order the defendant detained pending that proceeding. See 18 U.S.C. § 3142(f).

D. CONCLUSION

Based on the foregoing as well any evidence and argument presented at the detention hearing in this matter, the United States respectfully submits that no condition or combination of conditions will reasonably assure the defendant's appearance and/or the safety of any person or the community. The defendant therefore should be detained pending further proceedings.

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s/Brent G. Tabacchi
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on defendant's counsel this 3rd day of February, 2023 via the Court's ECF System.

s/Brent G. Tabacchi

BRENT G. TABACCHI

Assistant United States Attorney